

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

<p>Those Certain Companies and Those Certain Underwriters at Lloyds, London, Subscribing Severally but not Jointly to Policy of Insurance Certificate Number NA3471501, as Subrogors of David Morris International Limited,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>6.21 CARAT DIAMOND,</p> <p style="text-align: center;">Defendant-in-rem,</p> <p>Jay Waldmann,</p> <p style="text-align: center;">Claimant-Defendant.</p>	<p>Case No. 08-CV-2006 (SHS)</p>
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Notice of Motion For a Declaratory Judgment on Default

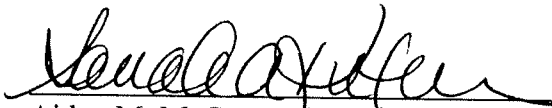
PLEASE TAKE NOTICE that upon the accompanying declaration of Sarah Anne Kutner, together with the affidavit of Les Turner, supporting exhibits, Memorandum of Law, and all prior pleadings and proceedings had herein, plaintiffs Those Certain Companies and Those Certain Underwriters at Lloyds, London, Subscribing Severally but not Jointly to Policy of Insurance Certificate Number NA3471501, as Subrogors of David Morris International Limited (the "Insurers") will move against Defendant Jay Waldmann before the Honorable Sydney H. Stein at the United States Courthouse, Southern District of New York, 500 Pearl Street, New York, New York 10007, on May 23, 2008, for an Order granting the Insurers' motion for a declaratory judgment and order on default pursuant to Fed. R. Civ. Proc. 55, and Rules 55.1 and 55.2(a) of the Civil Rules for the Southern and Eastern Districts of New York (1) Declaring that the defendant has no right, title or interest in or to the Diamond, and that all right, title and interest in and to the Diamond is vested exclusively in the Insurers; (2) Ordering that the

Diamond be turned over immediately by GIA to the Insurers, the rightful owners of the Diamond as subrogors of David Morris; (3) Imposing a constructive trust on the Diamond; (4) Ordering the defendant to produce, in writing, any and all information in his knowledge or possession regarding the identity of the person from whom or the entity from which he purchased the Diamond; (5) Awarding the Insurers the costs and disbursements of this action; and (6) Awarding the Insurers such other and further relief as the Court deems just and proper. and for such other and further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that opposition, if any, to the Underwriters' motion must be served upon the undersigned counsel on or before May 16, 2008.

Dated: New York, New York
May 9, 2008

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